IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 33958 of 1997

Between:

1 Sri Krishna Waddera Labour Contract Co-operative Society Ltd Rep. by its President M.Krishna Yachavaram Village, Manubole Mandal, Nellore District.
2 Bhavani Waddera Labour Contract Co-operative Society Ltd., Rep. by its President Y.Shankiaraiah, Chandramouli Nagar, Nellore District.
3 Sri Srinivasa Waddera Labour Contract Co-operative Society Ltd., Rep. by its President M.Ramanaiah Rettapalli Village, Chilakaur Mandal, Nellore District.

..... PETITIONERS

AND

1 Superintending Engineer, R&B Circle, Cuddapah.
2 Superintending Engineer, R&B Circle, Warangal.
3 Superintending Engineer, R&B Circle, Balkampet, Hyderabad.
4 Superintending Engineer, R&B Circle, Vishakapatnam.
5 Superintending Engineer, R&B Circle, Guntur.
6 Superintending Engineer, R&B Circle, Eluru, West Godavari District.
7 Superintending Engineer, R&B Circle, Karimnagar.
8 Superintending Engineer, Panchayat Raj Circle, Guntur.

9 Superintending Engineer,
Panchayatraj Circle, Ongole.
10 Superintending Engineer,
Panchayatraj Circle, Cuddapah.
11 Superintending Engineer, Public Health Circle,
Chittoor.
12 Superintending Engineer,
Irrigation Circle, Cuddapah.
13 Superintending Engineer, Irrigation Circle,
Chittoor.
14 Superintending Engineer, Telugu Ganga Project,
Cuddapah.
15 Superintending Engineer, Telugu Ganga Project,
Nandyal.
16 Superintending Engineer, G.V.C.Circle-IV, L.M.D.Colony,
Karimnagar.
17 Commissioner,
Nellore Muncipality, Nellore.
18 Superintending Engineer,
P.J.P.Circle-II, Pebbair,
Mahaboobnagar District.

(Respondents 2, 9 and 13 dismissed for default as per Court order dated 7.9.2000)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioner societies for payment of Earnest Money Deposit, Commercial Tax Clearance certificate or imposing any condition or experience in connection with all tender notice issued on after 11-11-1997 arbitrary, illegal, and unreasonable and consequently direct the respondents not to insist payment of Earnest Money Deposit upto any value of the work, Commercial Tax Clearance Certificate and Experience certificate from the petitioners at the time of allotment of works in under notices issued on or after 11-11-1997 and issue tender schedules to the petitioners in all tender notices issued on or after 11-11-1997 irrespective of condition or all type of works experience in whichever they register.

Counsel for the Petitioner : Mr.KOONA REDDY ANJI REDDY

Counsel for Respondents : G.P. FOR ROADS & BUILDINGS

The Court made the following :

ORDER:

The petitioner filed this writ petition seeking to declare the action of the respondents in insisting him for payment of earnest money deposit upto any value of the work and production of commercial tax clearance certificate and experience certificate at the time of allotment of works or issuance of tender schedules in connection with all tender notices issued on or after 11.11.1997, as arbitrary and illegal, and consequently to direct the respondents not to insist on furnishing earnest money deposit.

Heard the learned counsel for petitioner and the learned Government Pleader for Respondents.

The main relief and the interim relief sought for by the petitioner is one and the same. This Court while admitting the writ petition by order dated 22.12.1997 granted interim direction in W.P.M.P.No. 39943 of 1997. The learned counsel for petitioner submits that in view of the said interim directions, no orders are required to be passed in this writ petition and it has become infructuous.

Therefore, the writ petition is dismissed as having become infructuous. There shall be no order as to costs.

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N.V.RAMANA, J

Date: 7.4.2005

DA/SVV

To

1 Superintending Engineer, R&B Circle,
Cuddapah.
2 Superintending Engineer, R&B Circle,
Warangal.
3 Superintending Engineer, R&B Circle,
Balkampet, Hyderabad.
4 Superintending Engineer, R&B Circle,
Vishakapatnam.

5 Superintending Engineer, R&B Circle,
Guntur.
6 Superintending Engineer, R&B Circle,
Eluru, West Godavari District.
7 Superintending Engineer, R&B Circle,
Karimnagar.
8 Superintending Engineer, Panchayat Raj Circle,
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17 Commissioner,
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18 Superintending Engineer,
P.J.P.Circle-II, Pebbair,
Mahaboobnagar District.

19 Two CCs to the G.P. for Irrigation & CAD, High Court Buildings,
Hyderabad (OUT).

20 Two CD copies.